

## REMARKS

Prior to entry of this amendment, Claims 1-30 were pending in this application, with Claims 1-30 standing rejected. No claims are added or canceled. Hence, Claims 1-30 are presently pending in this application.

Claims 1-5, 8, 9, 20- 22 and 24-26 are amended herein to make the embodiments recited in such claims easier to understand, rather than for reasons related to patentability. Furthermore, the claim amendments are considered tangential to any equivalents of the amended features.

## IN THE DRAWINGS

The Notice of Draftperson's Patent Drawing Review objected to drawings (FIGS. 5 and 6) under 37 CFR 1.84(l), based on the character of lines, numbers and letters. Two sheets of corrected drawings, including FIG. 5 and FIG. 6, in compliance with 37 CFR 1.84 are submitted as an Attachment herewith. Each sheet is labeled "Replacement Sheet" and replaces the corresponding original sheet. Specifically, the reference numbers and lead lines are now uniformly thick and well defined. No substantive changes have been made to the drawings and no new matter is introduced to the application by way of these drawing amendments. Withdrawal of the objection to the drawings is respectfully requested.

## REJECTIONS BASED ON PRIOR ART

### Rejection under 35 U.S.C. §102(e)

The Office Action rejected Claims 1-30 under 35 U.S.C. §102(e) as allegedly anticipated by Besaw et al. ("Besaw"; U.S. Patent Application Publication No. 2002/0158897). The rejection of each of these claims is traversed.  
Ser. No. 09/905,306—Goldschmidt—GAU 2672 (M. Good-Johnson)  
Attorney Docket No. 50325-0552

Claim 1 recites:

A method for plotting a graph using a markup language, comprising the steps of:

receiving first graph information as a markup language document in

response to a request for a first graphic display and upon retrieval of corresponding information from a data source according to the request and conversion of the corresponding information to the markup language document, wherein the markup language document is associated with a document type definition that defines how to process the corresponding information in the markup language document to plot a graph;

plotting a graph that can be displayed as the first graphic display according to the markup language document and associated document type definition; and

causing display of the graph as the first graphic display on a display device.

For a proper anticipation rejection, a reference must show each and every feature of a claim in the same combination as claimed. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). However, certain features of Claim 1 are not taught, suggested or motivated by *Besaw*. Therefore, *Besaw* does not anticipate Claim 1. Specific differences between Claim 1 and the disclosure of *Besaw* are as follows.

**Claim 1 recites a method in which a graph is plotted according to the markup language document and associated document type definition. Furthermore, the markup language document is associated with a document type definition that defines how to process the corresponding information in the markup language document to**

**plot a graph.** Claim 1 further recites the step of **causing display of the graph as the first graphic display on a display device.**

Consistent with a plain meaning of the term, the verb “plot” is defined in the Webster’s Ninth New Collegiate Dictionary (on page 904 of the 1989 edition) as “to make a plot, map, or plan of”. Hence, in the context of Claim 1, the step of plotting a graph involves the process of interpreting and processing the information in the markup language document according to the document type definition (“dtd”) to make a plot, or graph, of the information. In other words, plotting the graph could be referred to otherwise as constructing the graph.

In contrast, *Besaw* discloses a system that generates and stores a topology map (step 530 of Fig. 5; paragraph 0036), prior to generating an HTML web page with a reference to the topology map (step 535 of Fig. 5; paragraph 0037) and sending the HTML page to a user over a network (step 540 of Fig. 5; paragraph 0037). It is clear that *Besaw* discloses generating a markup language document (i.e., the HTML web page) that has a reference to the topology map that was previously generated, or plotted, and sending the web page over a network to a user, rather than generating or plotting the topology map **according to the markup language document and associated document type definition**. In contrast, *Besaw* vaguely discloses, with no further explanation or elaboration, generation of a topology map or image by calling a command on an object (paragraph 0017) and/or by invoking member functions on gathered information (paragraph 0033); the meaning of both is unclear from these limited discussions in *Besaw*. However, these generation processes clearly are not based on a markup language document and associated document type definition.

Thus, a clear and specific distinction between the disclosure of *Besaw* and Claim 1 of the present application is that *Besaw* uses a markup language document to encode and transmit a reference to a topology graph that already exists, whereas **Claim 1 plots a graph in accordance with, or based on, a markup language document and associated document type definition**. There is no teaching, suggestion or motivation in *Besaw* to use a markup language for anything other than transmitting and viewing a map through a web browser. Hence, there is no teaching, suggestion or motivation in *Besaw* to use a markup language and associated document type definition, which defines how to process information in the markup language document specifically to plot a graph, to **plot a graph**. For at least the foregoing reasons, *Besaw* does not anticipate Claim 1 and a *prima facie* case of anticipation has not been established. Reconsideration and withdrawal of the rejection of Claim 1 is kindly requested.

Claims 2-8 depend directly or indirectly from Claim 1 and, therefore, are patentable over the references of record for at least the same reasons as Claim 1. Therefore, reconsideration and withdrawal of the rejection of Claims 2-8 is requested. In addition, Claims 2-8 recite additional features that are not taught, suggested or motivated by *Besaw*.

For example, the Office Action reference to paragraph 0019 of *Besaw*, which discloses that “there may be any number of networks interfacing customers 120 and management portal 130” does not anticipate the following feature recited in Claim 2: “**wherein the step of receiving first graph information is performed such that a request for a second graphic display initiated through interaction with the first graphic display does not require retrieving again the first graph information from the data**

source.” The citation from *Besaw* refers to a system 100 where an exemplary embodiment may be practiced, and provides no support for or teaching of the method recited in Claim 2. Furthermore, the complete disclosure of *Besaw* does not disclose this feature. This feature of Claim 2 is at least partially a result of the use of a markup language, and an associated document type definition which defines how to process information in the markup language document specifically to plot a graph, to plot a graph, as recited in Claim 1, from which Claim 2 depends. Hence, Claim 2 is patentable over the references of record due to this additional deficiency in the disclosure of *Besaw*.

For another example, the Office Action reference to paragraph 0020 of *Besaw*, which discloses that “the service provider would then configure a portion of its own network 140 into partitioned networks 142, and each partition network 142 is allocated to a customer 120” does not anticipate the following feature recited in Claim 3: “**wherein the step of plotting a graph that can be displayed as the first graphic display is such that subsequently plotting the second graphic display does not require plotting again the first graphic display.**” The citation from *Besaw* refers to a system 100 where an embodiment may be practiced, and provides no support for or teaching of the method recited in Claim 3. Furthermore, the complete disclosure of *Besaw* does not disclose this feature. This feature of Claim 3 is also at least partially the result of the use of a markup language to plot a graph, in conjunction with an associated document type definition which defines how to process information in the markup language document specifically for plotting a graph, as recited in Claim 1, from which Claim 3 depends. Hence, Claim 3 is patentable over the references of record due to this additional deficiency in the disclosure of *Besaw*.

Generally with respect to Claims 6 and 7, *Besaw* does not teach, suggest or motivate use of respective particular information (e.g., tool tip information, click action information and menu information, in Claim 6; and menu information, in Claim 7) **for specifying information to display upon various interactions with a particular graphical image or one or more connections.** The reliance by the Office Action on “icon symbols to represent network nodes” (paragraph 0027 of *Besaw* in support of Claim 6 rejection) and “display of possible topology maps that may be generated and a display list of filters or filtering functions” (paragraph 0030 of *Besaw* in support of Claim 7 rejection) is unfounded. None of the foregoing citations to *Besaw*, nor the complete disclosure of *Besaw*, discloses specification of information to display upon interactions with a graphical image representing a plotted and displayed entity. Hence, Claims 6 and 7 are patentable over the references of record due to these additional deficiencies in the disclosure of *Besaw*.

Regarding independent Claim 9, it is shown above in reference to Claim 1 that *Besaw* does not teach, suggest or motivate plotting a graph, such as a network topology or otherwise, **based on a markup language document and an associated document type definition that defines how to process the corresponding information in the markup language document to plot a graph.** These deficiencies in the disclosure of *Besaw* disprove the allegation that *Besaw* anticipates Claim 9. Reconsideration and withdrawal of the rejection of Claim 9 is kindly requested.

Claims 10-19 depend directly or indirectly from Claim 9 and, therefore, are patentable over the references of record for at least the same reasons as Claim 9. Therefore, reconsideration and withdrawal of the rejection of Claims 10-19 is requested.

In addition, Claims 10-19 recite additional features that are not taught, suggested or motivated by *Besaw*.

For example, the Office Action reference to paragraph 0030 of *Besaw*, which discloses that “member functions that include at least associating a file stream; adding icon symbols and connections symbols between the icon symbols, ...” does not anticipate the following feature recited in Claim 12: “wherein the function initiated by the third interaction includes **retrieving a file for displaying information about one or more routers associated with the first node.**” The citation from *Besaw* provides no support for or teaching of the method recited in Claim 12, which is, generally, initiating a function in response to an interaction with a displayed image and, specifically, initiating retrieval of a file for displaying information about one or more routers associated with a node. In fact, *Besaw* does not even mention routers. Furthermore, the complete disclosure of *Besaw* does not disclose this feature. Hence, Claim 12 is patentable over the references of record due to this additional deficiency in the disclosure of *Besaw*.

For another example, the Office Action reference to paragraph 0035 (addressed herein as intended as a reference to 0036) of *Besaw*, which discloses that “the topology map may be stored ... in a graphics format selected by the customer” does not anticipate the following feature recited in Claim 16: “wherein the step of **displaying the graphical image and the node label is performed such that graphical image size is related to the number of connections to the graphical image.**” The citation from *Besaw* provides no support for or teaching of the method recited in Claim 16. Furthermore, the complete disclosure of *Besaw* does not disclose this feature. Hence, Claim 16 is patentable over the references of record due to this additional deficiency in the disclosure of *Besaw*.

Claims 20 and 22 recite computer-readable media carrying sequences of instructions which, when executed by one or more processors, cause the processors to perform steps that correspond to steps recited in the method claims of Claim 1 and Claim 9, respectively. Therefore, Claims 20 and 22 are patentable over the references of record for at least the same reasons as Claims 1 and 9, respectively. Furthermore, Claim 21 depends from Claim 20 and Claim 23 depends from Claim 22 and, therefore, Claims 21 and 23 are also patentable over the references of record for the same reasons.

Reconsideration and withdrawal of the rejection of Claims 20-23 is requested.

Claim 24 recites a computer system comprising processors configured for performing the steps recited in the method of Claim 1, and Claim 25 claims an apparatus comprising means for performing steps recited in Claim 9. Therefore, Claims 24 and 25 are patentable over the references of record for at least the same reasons as Claims 1 and 9, respectively. Reconsideration and withdrawal of the rejection of Claims 24 and 25 is requested.

Claim 26 recites a method that comprises transmitting a markup language document for plotting a graph based on the markup language document and associated document type definition. It is shown above that *Besaw* does not teach, suggest or motivate **plotting a graph**, such as a network topology or otherwise, **based on a markup language document and an associated document type definition that defines how to process the corresponding information in the markup language document to plot a graph**. These deficiencies in the disclosure of *Besaw* disprove the allegation that *Besaw* anticipates Claim 26. As before, a distinction is present regarding plotting a graph based on a markup language document, as in Claim 26, and displaying a graph based on a

markup language document, as in *Besaw*. Therefore, reconsideration and withdrawal of the rejection of Claim 26 is requested.

Claims 27-30 depend directly or indirectly from Claim 26 and, therefore, are patentable over the references of record for at least the same reasons as Claim 26. Therefore, reconsideration and withdrawal of the rejection of Claims 27-30 is requested.

#### CONCLUSION

For at least the reasons indicated above, Applicants submit that all of the pending claims (1-30) present patentable subject matter over the references of record, and are in condition for allowance. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully Submitted,

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on 11/17/03 by Clare Fine

Ser. No. 09/905,306—Goldschmidt—GAU 2672 (M. Good-Johnson)  
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